

**ENTERED**

February 25, 2021

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

BILLY DESAI

VS.

INVESCO GROUP SERVICES, INC.

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§

CIVIL ACTION NO. 4:19-CV-2842

**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION**

Pending before the Court in the above referenced proceeding is Defendant's Motion for Summary Judgment (Doc. No. 20); Plaintiff's Response in Opposition (Doc. No. 21); Defendant's Reply in Support (Doc. No. 22); Judge Bray's Memorandum and Recommendation (Doc. No. 30) that the Court deny Defendant's Motion for Summary Judgment; and Defendant's Objections (Doc. No. 31) to the Memorandum and Recommendation.

The Court has carefully reviewed, *de novo*, the filings, the applicable law, the Magistrate Judge's Memorandum and Recommendation, and the objections thereto, and agrees with the Magistrate Judge's conclusion that Defendant does not meet its summary judgment burden of establishing that Plaintiff would have lost his position even if he had not taken FMLA leave. Accordingly, it is hereby

**ORDERED** that Defendant's Objections (Doc. No. 31) are **OVERRULED**; the Memorandum and Recommendation (Doc. No. 30) is **ADOPTED**; and Defendant's Motion for Summary Judgment (Doc. No. 20) is **DENIED**.

SIGNED at Houston, Texas, this 25 day of February 2021.



ANDREW S. HANEN  
UNITED STATES DISTRICT JUDGE